

## **REMARKS**

### **I. Introduction**

With the cancellation herein without prejudice of claims 27, 33, and 34, claims 28 to 32, and 35 to 53 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Allowable Subject Matter**

Applicants note with appreciation the indication of allowable subject matter included in claims 35, 37, 38, 40 to 44, 46, 47, and 51. The Examiner will note that claims 35, 37, and 38 have been rewritten herein in independent form to include all of the features of its respective base claim and any intervening claims. It is therefore respectfully submitted that claims 35, 37, and 38 are in condition for immediate allowance.

Claims 40 to 44, 46, 47, and 51 ultimately depend from claim 37 and are therefore also believed to be in condition for immediate allowance.

While claims 39 and 45 were rejected under 35 U.S.C. § 102(e), these claims ultimately depend from claim 37, which was indicated to include allowable subject matter, and are therefore believed to be patentable at least due to their dependency on claim 37.

Claims 28, 29, 32, 36, 48, and 52 have been amended herein without prejudice to depend from claim 35 and are therefore believed to be in condition for immediate allowance.

Claims 30, 31, 49, 50, and 53 now ultimately depend from claim 35 and are therefore also believed to be in condition for immediate allowance.

### **III. Rejection Under 35 U.S.C. § 102(b)**

While Applicants do not necessarily agree with the merits of this rejection, to facilitate matters, claims 27, 33, and 34 have been canceled herein without prejudice, claims 28, 29, 32, 36, and 48 have been amended herein without prejudice to depend from claim 35, and claims 30, 49, and 50 now ultimately depend from claim 35. As such, it is respectfully submitted that the present rejection is moot, and withdrawal of this rejection is respectfully requested.

**IV. Rejection Under 35 U.S.C. § 102(e)**

As an initial matter, and as indicated above, claims 39 and 45 ultimately depend from claim 37, which was indicated to include allowable subject matter. As such, claims 39 and 45 are believed to be patentable at least due to their dependency from claim 37.

Moreover, U.S. Patent No. 6,991,183 does not constitute prior art against the present application under 35 U.S.C. § 102(e). In this regard, U.S. Patent No. 6,991,183 was issued from the national stage of PCT/DE01/00171, which was filed on January 17, 2001, i.e., after November 29, 2000, and PCT/DE01/00171 was published on July 26, 2001 as WO 01/53676 in German. As such, U.S. Patent No. 6,991,183 does not constitute prior art against the present application under 35 U.S.C. § 102(e) or otherwise. Withdrawal of this rejection is therefore respectfully requested.

**V. Rejection Under 35 U.S.C. § 103(a)**

As indicated above, U.S. Patent no. 6,991,183 does not constitute prior art against the present application. Withdrawal of this rejection is therefore respectfully requested.

**VI. Conclusion**


It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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